

REMARKS

In the Official Action of March 12, 2003, the Examiner rejected claim 3 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner asserted that the term "belt-like" was indefinite as it is not clear what is encompassed by "like." Claim 3 has been amended herein and Applicants respectfully submit that claim 3 is definite. This amendment is clarifying only and does not limit the subject matter claimed. Moreover, no new matter has been added by this amendment.

The Examiner rejected claims 1 - 4 under 35 U.S.C. § 103(a) as being unpatentable over *DuBois* (U.S. Patent No. 4, 967,322). In particular, the Examiner argued that *DuBois* teaches a transparent cylindrical or tubular sheath wherein a reflective material is inserted into a tubular sheath. The Examiner admits that *DuBois* fails to teach that the transparent cylinder is made of a synthetic resin, but argues that since *DuBois* teaches that the support tube may be made of plastic, it would have been obvious to one of ordinary skill in the art at the time of the invention to fabricate the transparent tubular sheath from a synthetic resin. The Examiner rejected claims 5 - 6 under 35 U.S.C. § 103(a) as being unpatentable over *DuBois* in view of *Billingsley et al.* (U.S. Patent No. 6,110,558). The Examiner admits that *DuBois* fails to disclose an attachment means on the outer surface of the sheath member, or a retroreflective material, but argues that *Billingsley* cures these deficiencies. Applicants respectfully traverse these rejections.

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Claim 1 has been amended to more clearly recite the invention. Amended claim 1 recites “[a] cylindrical ornamental body comprising a flexible transparent cylindrical main body made of synthetic resin.” *DuBois*, on the other hand, fails to disclose or suggest a flexible transparent cylindrical main body. Specifically, *DuBois* discloses a “rigid stick having first and second ends.” (Col. 1, lines 39 - 41.) The tube may be made of “relatively heavy, stiff material, such as metal, wood, or heavy plastic.” (Col. 3, lines 41 - 44.) In fact, the “clear sheath . . . enhances the rigidity of the night stick.” (Col. 4, lines 17 - 19.) As such, *DuBois* at least fails to disclose a “cylindrical ornamental body comprising a flexible transparent cylindrical main body made of synthetic resin” as recited in amended claim 1. In addition, *Billingsley et al.* fails to cure this deficiency. *Billingsley et al.* is primarily related to a cloth product and tape-shaped reflective articles in which a reflective material is fixed via an adhesive layer, and does not disclose a “cylindrical ornamental body comprising a flexible transparent cylindrical main body made of synthetic resin” as recited in amended claim 1. Accordingly, independent claim 1, as well as claims 2 - 6 that depend therefrom, are allowable and Applicants respectfully request withdrawal of the rejections of claim 1 - 6 under 35 U.S.C. § 103(a).

New claims 7 - 12 are presented herein. Claim 7 recites “A cylindrical ornamental body comprising a transparent cylindrical main body made of soft synthetic resin and a reflective member having a reflective face inserted into said cylindrical main body.” Support for this claim is found, at least, at page 13, lines 21 - 24. Claims 8 - 12 are similar to claims 2 - 6. Neither *DuBois* or *Billingsley et al.* disclose a transparent

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cylindrical main body made of soft synthetic resin. Thus, for at least this reason claims 7 - 12 should be allowed over the cited art.

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

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